

CALIFORNIA LITIGATION:

Section Chair's Editorial
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The Foundation of the State Bar of California
By Dana J. Dunwoody

The legal community is fortunate, in my view, that its admissions and disciplinary functions are governed by the State Bar of California under the auspices of the California Supreme Court, rather than by a consumer agency such as the California Department of Consumer Affairs. A non-legal agency such as Consumer Affairs is less likely to appreciate what attorneys do, and thus may be more likely to impose unreasonable rules and restrictions on us. The continued ability to self-govern must be continually earned. Ours must be perceived by the citizens of the State as a responsible profession. This requires more than just good public relations.

Side-by-side with the benefit of self-governance is the responsibility of our profession to make a positive difference, to educate people about the fundamentals of our profession, to give something back to our community, to educate our youth and our uneducated, and to assist the most needy members of our society. There are several volunteer organizations that are dedicated to furthering those ends. One of them, the Foundation of the State Bar of California, was created in June 1990 and is entirely funded by voluntary contributions. The Foundation is a non-profit public corporation which was organized to perform the function of or to carry out the charitable, educational, and public benefit purposes of the State Bar of California. Its Board of Directors is appointed by the State Bar Board of Governors.

The Foundation does not receive any IOLTA (Interest on Lawyer Trust Accounts) revenues. IOLTA was established by California Legislature in 1981 and now all 50 states have an IOLTA-type program. California was one of the first. Any significant lawyer trust funds go into a pooled trust account, the interest on which goes to the State Bar. IOLTA money is used for the general operating expenses of pro bono legal services and to staff legal services for the indigent. IOLTA funds are used, for example, in the California Rural Legal Assistance program, various county volunteer lawyer programs, and numerous programs for seniors, youth, and the indigent.

Although there is some overlap between the goals of the Foundation and goals of the people who administer the IOLTA funds, their funding criteria are different. For instance, the Foundation provides grants to a number of entities, such as county school districts, that would not qualify for help from IOLTA. The Foundation has two primary sources of revenue: (1) contributions from corporations; and (2) contributions from individual attorneys. Not a penny of our State Bar dues goes to the Foundation, and no Litigation Section funds or dues go to the Foundation.

The Foundation has received generous donations from many lawyers and law firms, but still needs money. The Foundation serves as a vehicle for the people of California to achieve together on a statewide basis what they could not achieve alone. Toward that end, the Foundation provides funding for programs and projects which are designed to do the following: (1) educate the public about their rights and responsibilities under the law; (2) champion full and equal access to our justice system by all people, including the encouragement of ventures which increase access to the legal system for the poor and middle class; and (3) foster confidence in the rule of law, the role of lawyers and the function of the judiciary. Since 1991, the Foundation has awarded 169 grants totaling almost \$978,000.

Although the Litigation Section does not devote any of its financial resources to supporting the Foundation, many of our members continue to be generous contributors to its work. The existence of organizations like the Foundation is one of the best defenses we have against outside regulation. Our profession has been able

not only to police itself, but can proudly point to organizations like the Foundation as evidence that we are working for the best interest of California.

I heartily recommend considering the Foundation in your charitable giving plans.

Mr. Dunwoody, Chair of the Litigation Section, practices at Wilson, Petty, Dunwoody & Turner LLP in San Diego.

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